

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

Case No. 18-cr-123

VELASCO BARRERA, Pablo Miguel, et al.

Defendant.

**REPLY TO UNITED STATES OPPOSITION TO DEFENDANTS' POSITION ON
OBJECTIONS TO U.S. TRIAL EXHIBITS**

COME NOW the Defendants, Pablo Miguel Velasco Barrera ("Barrera") and Ronald Herrera Contreras, by and through their undersigned counsel, and file this as their Reply to the United States Opposition (#941) to Defendants' Joint Motion regarding Procedure to Make Evidentiary Objections, and in support hereof, state as follows:

1. On July 23, 2021, the Defendants complied with this Court's April 28, 2021 scheduling order ("Order") (#856) when they filed their general objections (#944) to early disclosure of particularized objections to the United States Exhibits;
2. On July 23, 2021, the Defendants also complied with this Court's Order when they timely filed, on an ex parte basis with this Court's chambers, their particularized objections to the United States Exhibits.
3. By agreeing to the Order, Barrera and the other Defendants never agreed to relinquish their constitutional rights to due process and a fair trial.
4. Included in the Defendants' constitutional rights to due process and a fair trial, are trial rights which include, *inter alia*, confrontation rights under the 6th Amendment to the U.S. Constitution. Specifically, evidentiary objections, such as those at issue in the matter before this Court, are fundamental trial rights protected under the U.S. Constitution.

5. In *Withrow v. Williams*, 507 U.S. 680 (1993), the U.S. Supreme Court described trial rights as follows:

[In *Kimmelman v. Morrison*, 477 U.S. 365 (1986)], [w]e explained that unlike the Fourth Amendment, which confers no "trial right," the Sixth confers a "fundamental right" on criminal defendants, one that "assures the fairness, and thus the legitimacy, of our adversary process." 507 U. S., at 688.

See also, *United States v. Verdugo-Urquidez*, 494 U. S. 259, 264 (1990) (regarding the 5th Amendment privilege against self-incrimination, Miranda safeguards "a fundamental trial right"); *Kimmelman*, Id, at 377 (the right to effective assistance of counsel is a personal trial right).

6. In accordance with the U.S. Supreme Court jurisprudence briefly set forth above, the Defendants submit that the nature of the requested objections address fundamental trial rights which are better addressed by this Court in context during trial in this matter.

WHEREFORE, for all of the foregoing reasons, Defendant Barrera respectfully requests that this Court permit the Defendants to assert their objections to United States evidentiary exhibits at trial.

Respectfully submitted,
Pablo Miguel Velasco Barrera
By Counsel

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CERTIFICATE OF SERVICE

This is to certify that on the 27th day of July 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record.

Date: July 27, 2021

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